

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

MARIJEAN HAMILTON and CLAY
TIDWELL, husband and wife.

Civil Action No.:

Plaintiff(s),

vs.

NOTICE OF REMOVAL

UBER TECHNOLOGIES, INC.; JAKIR
HOSSAIN; USAA INSURANCE COMPANY;
GARRISON PROPERTY & CASUALTY
INSURANCE COMPANY; and JOHN and
JANE DOES 1-3; and ABC CORPORATION 1-
3,

JURY TRIAL DEMANDED

Defendants.

DEFENDANT UBER TECHNOLOGIES, INC.'S NOTICE OF REMOVAL

Defendant, Uber Technologies, Inc., (hereinafter referred to as "Uber" or "Defendant") files this Notice of Removal pursuant to 28 U.S.C. §1441(a) and (b) to remove this action from the Superior Court of New Jersey, Law Division, Essex County, where it is now pending, to the United States District Court for the District of New Jersey. In support thereof, Defendant, Uber states as follows:

1. A Civil Action has been brought against the above-identified Defendants by the Plaintiffs Marijean Hamilton and Clay Tidwell (hereinafter referred to as "Plaintiffs") and is pending in the Superior Court of New Jersey, Law Division, Essex County, docket number ESX-L-8470-17. Plaintiffs' Complaint against the above named Defendants was filed on or about December 1, 2017, and served on Uber on or about December 5, 2017. A copy of Plaintiffs' Complaint is attached hereto as Exhibit "A".

2. The State Court wherein this action was originally filed is located in Essex County, New Jersey, which is embraced within this jurisdictional district.

3. Removal from the Superior Court of New Jersey Law Division, Essex County is proper under 28 U.S.C. §§1441(a) and (b), which authorizes the removal of any civil action of which the District Courts of the United States has original jurisdiction and if “none of the parties in interest properly joined and served as a defendant is a citizen of the state in which such action is brought.”

4. This Court has original jurisdiction over the subject matter under 28 U.S.C. §1332 as the parties are citizens of different states, and the matter in controversy exceeds \$75,000.00 as set forth below.

5. According to Plaintiffs’ Complaint, Plaintiff, Marijean Hamilton claims that as a result of the negligence and carelessness of Defendants, Uber and Jakir Hossain, she was sustained injuries to her neck, shoulders, and back “to her great detriment and loss, some or all of which may be permanent” following a motor vehicle accident that allegedly occurred at or near Newark Liberty International Airport, Newark, New Jersey on January 7, 2016. See Exhibit “A”, ¶ 11, 12, 14.

6. Plaintiffs also assert a claim of negligent entrustment against Uber, for allegedly entrusting its vehicle to Defendant, Jakir Hossain, “whom [Uber] knew or reasonably should have known was an incompetent, un-licensed, and/or careless driver.” See Exhibit “A”, ¶ 24.

7. Further, Plaintiffs assert claims for uninsured motorist benefits against co-Defendants, USAA Insurance Company and Garrison Property & Casualty Insurance Company. See Exhibit “A”, ¶ 29.

8. Finally, Plaintiff, Clay Tidwell alleges loss of consortium. See Exhibit “A”, ¶ 39.

9. On December 14, 2017, Plaintiffs' Counsel informed Counsel for Uber via telephone that the amount in controversy in this suit is in excess of \$75,000.00.

10. Plaintiffs are citizens of the State of Colorado.

11. Defendant, Uber is a Delaware Corporation, that maintains its principal office in the State of California, and shall be deemed, for purposes of venue in civil actions, to be a resident thereof.

12. Upon information or belief, Defendant Jakir Hossain is a resident of the State of New York. See Exhibit "A".

13. Upon information or belief, Defendant, USAA Insurance Company maintains its principal place of business in the State of Texas. See Exhibit "A".

14. Upon information or belief, Defendant, Garrison Property & Casualty Insurance Company maintains its principal place of business in the State of Texas. See Exhibit "A".

15. Defendant, Plaintiffs' Complaint was filed on December 1, 2017 and served on Uber on or about December 5, 2017. See Exhibit "B". This Notice of Removal is being timely filed within 30 days of service on Defendant Uber of the Complaint.

16. As set forth above, this Court has original jurisdiction over the subject matter under 28 U.S.C. §1332 as the parties are citizens of different states, and the matter in controversy exceeds \$75,000.00. Based on the foregoing, the requirements of 28 U.S.C. §1441(a) and (b), 1446 and 1332 have been satisfied and the within matter is properly removable.

WHEREFORE, Defendant Uber respectfully requests that this State Action be removed from the Superior Court of New Jersey Law Division, Essex County to the United States District Court for the District of New Jersey.

Respectfully submitted,
GOLDBERG SEGALLA LLP
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